

Remarks/Arguments

In the office action of March 19, 2007, claims 1-6 were rejected under 35 U.S.C. §112 and §103.

The applicant wishes to thank the examiner for the interview June 12, 2007 regarding the original claims. During the interview, the Applicant agreed to draft new claims based on the examples and to remain within the elected invention.

As such, applicant has cancelled claims 1-40 and presents herewith new claims 41-60. Support for the new claims may be found throughout the specification. Specific portions of the specification that support the new claims include the original claims as filed, Example 1, Example 6 and Example 8. No fees are believed due with this amendment.

Brief Discussion of Cited Art.

U.S. Patent No. 6,596,304 (the '304 patent), teaches the preparation of a patch by heat denaturation of the collagen at 40 to 50 degrees centigrade, thereby eliminating its three-dimensional structure and combining the collagen with a polymer (See Abstract ("A biocomposite material) and Col. 3, ll. 12-15 "notably collagen which has at least partially lost its helical structure..."). As such, the '304 patent teaches against the use of a soluble collagen that has not been degraded. Furthermore, the '304 patent teaches a combined polymer-tissue "biocomposite" material. The present invention is not a biocomposite.

U.S. Patent No. 5,899,936 discloses a tissue-based implant that has been decellularized. More particularly, the '936 patent teaches the treatment of obtaining a tissue matrix from a tissue by creating a bioprosthetic from a tissue removed from a tissue source, not made in situ, in vitro. Furthermore, the '936 patent teaches against the present invention because the processing steps are selected so as not to degrade the "underlying collagen matrix" of the tissue (Col. 5, l. 59). In other words, the '936 patent teaches against using soluble collagen, that is, individual collagen strands that are then reformed into a patch by cells in vitro.

Applicants believe that the new claims overcome the prior art of record and respectfully request allowance of all the claims.

Conclusion

In light of the remarks and arguments presented above, Applicant respectfully submits that the claims in the Application are in condition for allowance. Applicant respectfully requests rejoinder of claims 41-60. Favorable consideration and allowance of the pending claims is therefore respectfully requested.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

Dated: June 15, 2007

Respectfully submitted,
CHALKER FLORES, LLP

/Edwin S. Flores
Edwin Flores
Registration No. 38,453
ATTORNEY FOR APPLICANT

Customer No. 34,725
2711 LBJ Freeway, Ste. 1036
Dallas, TX 75234
214.866.0001 Telephone
214.866.0010 Facsimile

ESF